UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,870	02/27/2004	Vadim Fux	555255012558	7232

89441   7590   05/10/2011
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EXAMINER
PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
2178	

NOTIFICATION DATE	DELIVERY MODE
05/10/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action ***Before the Filing of an Appeal Brief***	Application No. *10/788,870*	Applicant(s) FUX ET AL.	
	Examiner MANGLESH M. PATEL	Art Unit 2178	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>14 April 2011</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *24, 26-30 and 40-42*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☒ Other: <u>See continuation sheet.</u>

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178

/Manglesh M Patel/
Examiner, Art Unit 2178

Applicant Argues: Accordingly, the server of claim 24 transfers, to the device, font structure data that the server determined the device lacks based on a comparison that is performed both 1) by the server itself, and 2) on data (the device's font capabilities list) stored by the server itself.(pg 5, paragraph 3)

However, those glyphs sent by Adler's server are not determined to be lacking from the device based on a comparison 1) performed by the server itself as claimed and especially not 2) on a font capabilities list stored by the server itself as claimed, but instead based on the server receiving one or more requests...from the electronic device requesting one or more glyph sub-sets needed to display electronic data on the electronic device. (pg 5, paragraph 3)

That is because Shiimori's server never transfers font structure data to the device, as the Office action acknowledges. And Adler's server has no ability to add a recently-transferred font to a device's font capabilities list because Adler's server keeps no such list. (pg 6, paragraph 1)

The Examiner Respectfully Disagrees: Adler describes in different embodiments column 12, lines 28-35-

"step 40 includes consulting a database associated with intermediate network device to determine what glyph sub-sets already exist on the electronic device."

"only those glyphs that do not already exist on the electronic device are obtained at Step 40."

Adler therefore teaches a determining step which check what glyph sub-sets already exist on the electronic device, furthermore indicating that the determining step is performed outside of the client device. Thereby he teaches determining which glyphs are lacking from the device based on a comparison. Alder however does not appear to disclose a fonts capabilities list but he does provide a reasonable suggestion to a skilled artisan that a check is performed between the glyphs of the text and the glyphs stored outside the device at a database which is highly suggestive of a capabilities list. Regardless Shiimori explicitly teaches a font capabilities list (see fig 6).

Shiimori's further teaches transfer of font structure data to the device, this font structure data is the fonts capable of being displayed and residing on the font capabilities list. Font structure is transferred to the client device, however it comprises fonts that are supported by the device but not residing in the device. The lacking font structure as described in the rejection is one that is not listed in the capabilities list thereby not supported by the device, which Adler teaches in the determining step. Furthermore the font list of Shiimori's supports addition and removal of fonts including updating (see fig 13-14 & column 8, lines 16-57).

It is not necessary that the references actually suggest, expressly or in so many words the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).